

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 13-10200-GAO

DZHOKHAR TSARNAEV

FILED UNDER SEAL

MOTION FOR *IN CAMERA* INSPECTION OF
PRESENTENCE REPORT OF AZAMAT TAZHAYAKOV

Defendant Dzhokhar Tsarnaev, by and through counsel, moves that this Court conduct an *in camera* review of the presentence report prepared in the case of *United States v. Azamat Tazhayakov*, Criminal No. 13-10238-DPW, and provide to undersigned counsel, or order the government to provide to undersigned counsel, any impeachment information, including, but not limited to, portions regarding the following matters:

- 1) The government's statement of offense conduct;
- 2) the guideline sentencing range applicable to his case;
- 3) any criminal history, whether or not it resulted in a conviction;
- 4) his current immigration status, including the status of any pending immigration proceedings; and
- 5) any information that would cast doubt on his credibility, including but not limited to information regarding pending charges, uncharged crimes, mental health issues, and/or substance abuse.

See United States v. Moore, 949 F.2d 68, 71 (2d Cir. 1991).

As grounds for this motion, undersigned counsel state that Mr. Tazhayakov is expected to testify for the government. Because Mr. Tazhayakov agreed to cooperate after being found guilty

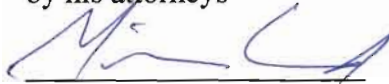
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by a jury at trial, there is no plea agreement. The cooperation agreement does not set forth the government's guideline calculation. The guideline range set forth in the PSR would cast light on Mr. Tazhayakov's state of mind regarding the potential benefit that he may receive from the government in return for his testimony. In addition, Mr. Tazhayakov was facing removal from the United States at the time that criminal charges were brought against him. Any information regarding his current immigration status would shed light on possible bias.

Even if the Court decides that the PSR should not be disclosed, it should order the government to provide undersigned counsel with its statement of office conduct, its calculation of Mr. Tazhayakov's guideline range, and any information it has regarding his current immigration status.

Respectfully submitted,

DZHOKHAR TSARNAEV
by his attorneys



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Certificate of Service

I hereby certify that I have caused this document to be served by hand and by e-mail on government counsel in this case on March 23, 2015.

A handwritten signature in blue ink, appearing to read 'M. Conrad', is written over a faint, light blue rectangular background.

Miriam Conrad